

Message Text

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ACTION L-03

INFO OCT-01 IO-14 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-14

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E.O. 11652: N/A

TAGS: TSPA, PFOR, UN

SUBJECT: OUTER SPACE LEGAL: SUBCOMMITTEE TAKE SUP
DIRECT FORACAST SATELLITES (DBS)

1. DEBATE ON DBS OPENED IN LEGAL SUBCOMMITTEE MAY 20 WITH PRESENTATION OF GENERAL VIEWS BY SEVERAL DELGATIONS FOLLOWING HISTORICAL SURVEY OF DBS DEVELOPMENTS IN UN BY ABDEL-GHANI, OUTGOING CHIEF OUTER SPACE AFFAIRS DIVISION, UN SECRETARIAT. IN GENERAL DEBATE FEW NEW OR ADDED POINTS EMERGED BEYOND THOSE MADE IN DBS WORKING GROUP IN MARCH AND SUBCOMMITTEE CONVERTED ITSELF IT LATE MORNING INTO DRAFTING GROUP. IN THIS GROUP DISCUSSION IS IN THEORY NOW LIMITED TO FIVE SUBJECT AREAS ON WHICH REASONABLE HOPE IS PERCEIVED OF REACHING AGREEMENT: (1) APPLICABILITY OF INTERNATIONAL LAW; (2) RIGHTS AND BENEFITS OF STATES; (3) INTERNATIONAL COOPERATION; (4) STATES' RIGHTS AND RESPONSIBILITIES; AND (5) PEACEFUL SETTLEMENT OF DISPUTES.

2. DRAFTING BEGAN ON ARTICLE CONCERNING APPLICABILITY OF INTERNATIONAL LAW, WITH GENERAL ASSENT ON APPLICABILITY OF UN CHARTER AND OUTER SPACE TREATY AS WELL AS ITU CONVENTION. IT WAS ALSO AGREED IN SUB-
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STANCE THAT ACTIVITIES WERE ALSO TO BE CONDUCTED IN THE

LIGHT OF RELEVANT PRINCIPLES OF INTERNATIONAL LAW, PARTICULARLY THOSE FOUND IN THE DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW ON FRIENDLY RELATIONS AND COOPERATION AMONGDYSYRDAND THE UNIVERSAL DECLARATION OF HUMAN RIGHTS. HOWEVER, DIFFERENCES PERSISTED AS TO HOW LATTER TWO DOCUMENTS WERE TO BE INVOKED.

3. SUBSTANTIAL DEBATE AROSE OVER WHETHER OR NOT STATES WERE TO "ENSURE" THAT DBS ACTIVITIES WOULD BE IN ACCORDANCE WITH LAW AND IN LIGHT OF PRINCIPLES. USSR, MEXICO AND EASTERN EUROPEANS PUSHED STRONGLY FOR EXPLICIT REFERENCE TO OBLIGATION OF "STATES TO ENSURE THAT....". JAPAN, ITALY, FRG AND OTHERS RESISTED SUCH AN OBLIGATION BEING EXPLICITLY SET FORTH. WITH NUMBER OF OTHERS MAINTAINING STRONG POSITIONS ON MANY POINTS FAVORABLE TO US POSITION, ALTHOUGH WE HAVE BEEN HEARD ON MAJOR ISSUES WE HAVE BEEN ABLE TO PLAY CONSTRUCTIVE ROLE SEEKING MUTUALLY "ACCEPTABLE" APPROACHES AND HAVE NOT BEEN FORCED INTO CONFRONTATIONS. AT DAY'S END MAY 21, NO AGREED TEXT HAD EMERGED ON APPLICABILITY OF INTERNATIONAL LAW AND CHAIR'S SUGGESTION WAS ACCEPTED TO PUT ARTICLE ASIDE FOR MOMENT.

4. DURING MAY 21 SITTING DEBATE AND DRAFTING ACCORDINGLY COMMENCED ON TOPIC OF RIGHTS AND BENEFITS OF STATES. AFTER SEVERAL HOURS OF GENERAL VIEWS AND VARIOUS SUGGESTIONS ON THIS TOPIC, US PROPOSED A TWO SENTENCE PARAGRAPH DRAWN FROM THE REPORT OF THE FIFTH SESSION OF WG ON DBS. DISCUSSION OF THE US PROPOSAL PRODUCED THE FOLLOWING TEXT. THE FIRST SENTENCE IS ADOPTED BY THE SUB-WORKING GROUP DBS OF THE LEGAL SUBCOMMITTEE, THE SECOND SENTENCE IS SUBJECT TO FURTHER CONSIDERATION. BEGIN QUOTE: EVERY STATE HAS AN EQUAL RIGHT TO CONDUCT DIRECT TELEVISION BROADCASTING BY SATELLITE. EVERY STATE IS ALSO ENTITLED TO SHARE BEGIN BRACKET EQUITABLY END BRACKET IN BENEFITS DERIVED THEREFROM. UNQTE. ABRAMS

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